

Request for removal of one 24.0-inch diameter
Black Locust tree, located in the Grafton Street
public right-of-way.

136 Grafton Street, LLC
(Paul Rasevic)
136 Grafton Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MARCH 18, 2013 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS
FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR
DATE: 3/14/2013
SUBJECT: PUBLIC RIGHT-OF-WAY TREE REMOVAL REQUEST
PAUL RASEVIC, AGENT FOR 136 GRAFTON STREET, LLC
FOR REMOVAL OF ONE 24.0-INCH DIAMETER BLACK LOCUST TREE,
LOCATED IN THE GRAFTON STREET PUBLIC RIGHT-OF-WAY.



Figure 1: The subject tree, flagged with green ribbon, is located in the public right-of-way between the sidewalk and the front property line of the property.

Factual and Background Information

The tree is located on the south side of Grafton Street in the public right-of-way between the sidewalk and the front property line of 136 Grafton Street.

The Applicant, who is the agent for the 136 Grafton Street LLC, states they wish to remove the tree as part of a construction and landscape project.

The Applicant recently obtained a tree removal permit for fourteen (14) other trees located on the private property that were approved administratively for removal.

A copy of the arborist's report for the property is included in the application materials.

The Applicant has obtained the required Department of Natural Resources (DNR) Roadside Tree Removal Permit for the subject tree.

Per the DNR permit, the Applicant will reforest with two trees on the property.

To date there have been no letters received regarding the Applicant's request.

The Tree Committee was provided the appeal materials. To date no report has been received.

Draft Motion

I make a motion to direct staff to draft a resolution **APPROVING/DENYING** the removal request, based on the findings that ...

Chevy Chase Village

Tree Inspection Request Form

Property Address: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">136 Grafton</div>
Date this form submitted to Village office:
Resident Name: Phone: E-mail:
This request initiated by: <input type="checkbox"/> Village office staff. <input type="checkbox"/> Resident/property owner
<div style="font-size: 0.9em;"> <input type="checkbox"/> Inspect tree(s)¹ requested for removal -- are any of conditions in Village Code Sec. 17-3(a) met? <input type="checkbox"/> Inspect trees¹ on property to determine if a Tree Protection Plan (TPP) is needed for proposed project². <input type="checkbox"/> Pursuant to a Village Bldg Permit application², prepare TPP for trees¹ on property [\$250 fee] <input type="checkbox"/> Verify that a TPP has been implemented for Village Building Permit # _____. <input type="checkbox"/> Follow up on an existing TPP -- is it OK to remove TPP? <input type="checkbox"/> Village right-of-way/park <input type="checkbox"/> Other: _____ </div> <div style="font-size: 0.8em; margin-top: 5px;"> ¹ Show location of tree(s) on a plat or site plan (or on diagram on reverse, but only if plat unavailable). ² Attach full description of proposed project. </div>

Sections below must be completed by Village Arborist:

Tree #1: ☒ Private Property ☒ Village right-of-way
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
 DBH*= 24" Species: Black Locust Tag#: _____ ☒ n/a: no tag.
 Assessment: Very healthy

Tree #2: ☐ Private Property ☐ Village right-of-way
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
 DBH*= _____ Species: _____ Tag#: _____ ☐ n/a: no tag.
 Assessment: _____

Tree #3: ☐ Private Property ☐ Village right-of-way
 Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
 DBH*= _____ Species: _____ Tag#: _____ ☐ n/a: no tag.
 Assessment: _____

(For more trees, please check here ☐ and attach pages: # of extra trees ____; # of extra pages ____.)

Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

Removal Approved	Denied	*Is permit required? (i.e, trunk circumference ≥24") Y N
Tree #1 <input type="checkbox"/>	<input checked="" type="checkbox"/>	Tree #1 <input checked="" type="checkbox"/> <input type="checkbox"/>
Tree #2 <input type="checkbox"/>	<input type="checkbox"/>	Tree #2 <input type="checkbox"/> <input type="checkbox"/>
Tree #3 <input type="checkbox"/>	<input type="checkbox"/>	Tree #3 <input type="checkbox"/> <input type="checkbox"/>

Arborist Signature **Date** 11/23/12

Chevy Chase Village

Statement of Appeal for Tree Removal Permit

Subject Property: 136 Grafton Street Chevy Chase, MD 20815	
Briefly Describe the Proposed Tree Removal (provide additional detail on following pages): Tree Labeled A on page 3 of the CCV Tree report(Black Locust)	
Applicant Name(s) (List all property owners): 136 Grafton, LLC	
Daytime telephone: 301-986-6900	Cell: 301-343-5569
E-mail: paul@rasevic.com	
Address (if different from property address): 5200 River Road, Bldg 6 Bethesda, MD 20816	
For Village staff use: Date this form received: <u>12/6/12</u> Tree Removal Permit Appeal No: <u>N/A</u>	

Filing Requirements:

(Application will not be accepted or reviewed until the application is complete.)

- ☒ Completed *Chevy Chase Village Statement of Appeal for Tree Removal Permit* (this form)
- ☒ Denied *Chevy Chase Village Tree Removal Permit Application*
- ☒ *Chevy Chase Village* Tree Inspection Report from Village Arborist
- ☒ Surveys, plats, landscaping plans/specifications, or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc. and the tree(s) sought to be removed.
- ☒ Appeal fee (See fee schedule in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing appeal, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]

Date: 12.5.12

Applicant's Signature: _____

Date: _____

Describe the basis for the appeal (attach additional pages as needed)

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:

It is located at the center of the property adjacent to the sidewalk.

Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

Describe the reasons for wanting to remove or destroy the tree(s):

The tree is an undesirable variety. Its location makes it the central focus of the street view. It will eventually impair the growth of the existing street tree.

Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

Restoration of the home and landscape essentially requires removal of this eye sore.

Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

Describe any hardship that would result if the requested tree removal is denied:

Decreased property value.

Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):

The tree is an undesirable variety. It has been allowed to grow without proper tree care. It is a true eye sore.

Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

We would like to negotiate a reforestation plan with the Village.

In authorizing a Tree Removal Permit as a result of this appeal, the Chevy Chase Village Board of Managers may require such conditions, terms or restrictions as it deems necessary in order to protect the public, health, safety or welfare, the reasonable use of adjoining properties and that will substantially effectuate the purpose and intent of Chapter 17 of the Chevy Chase Village Code.

Appeal Fee: \$250.00	Checks Payable To:	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Fee Paid:	Staff Signature:	
Date Paid:	Date:	

Memo

To: Tree Committee
From: Ellen Sands, Permitting & Code Enforcement Coordinator
Date: 3/8/2013
Re: Request for Removal of a Tree in the Grafton Street Public Right-of-Way

The owners of 136 Grafton Street, the 136 Grafton Street LLC, represented by Mr. Paul Rasevic of Rasevic Construction Company, have requested the removal of one 24.0" diameter Black Locust tree located in the Grafton Street public right-of-way.

This request will be heard by the Board of Managers at its regular monthly meeting on Monday, March 18, 2013 at 7:30 p.m. Please note that this is not an appeal, but is being brought to the Board as a New Business item.

This matter is being brought to the Tree Committee's attention so members can provide their feedback to the Board. Attached please find the supporting information pertaining to this request. The subject tree has been flagged with green ribbon.

Please feel free to contact me directly should you have any questions, need additional information and/or to submit your comments regarding this request.



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

ROADSIDE TREE PERMIT- INDIVIDUAL (RTI): 2013-0501

Name: Joseph Bechmann, Rasevic Construction

County: MO; Montgomery

Address: 5200 River Road, Building 6, Bethesda, MD. 20816

The applicant is a public agency: No

Applicant type: Person whose property is adjacent to the trees

Is hereby granted a permit to perform:

Tree Removal, 10 Tree(s) Tree planting, 2 Tree(s) near: CHEVY CHASE

The proposed tree care will: Improve the general aesthetic appearance of the right-of-way
Described as follows:

PARTICULAR TREE OR TREES INVOLVED:

Remove the following trees @ 136 Grafton St. in Chevy Chase, MD 20815:

- ★ -One 26" DBH black locust ✓
- One 5" DBH elm - not in row.
- One 2" DBH paulownia shrub
- One 15" DBH declining cherry ✓
- One 5" & one 4" DBH juniper ✓
- One 5" & one 4" DBH cherry ✓
- One 1" & one 2" DBH arborvitae ✓
- Any shrubs less than 1" DBH

LIMITATIONS OR CONDITIONS ON TREE CARE OR PLANTING:

-Plant two suitable trees @ 136 Grafton St. Chevy Chase 20815

PERMITTEE must replace the tree(s) being removed with 2 tree(s) of a SUITABLY growing species, selected from the MUNICIPAL Recommended Tree List within one year of the date of this permit. The tree(s) (minimum 1" caliper) must be replanted onsite.

NOTE: The roadside tree law does not convey tree ownership to the Department. Permission from the owner of the tree or trees in question (SHA, MdTA, local DPW, etc.) must also be obtained prior to beginning any work. Work on the tree or trees in question without permission of the owner may be considered a trespass by the owner of the tree or trees despite possession of a valid permit from the Department.

EXCLUDING ANY TREE NOT WITHIN THE RIGHT-OF-WAY OF A PUBLIC HIGHWAY

Provided, that the work authorized by this permit shall not begin until the Forest Warden designated by the Director as his agent shall be present and give their sanction to the means employed, and that the work may be suspended by order of the Forest Warden upon any failure or refusal of the operators to perform it in accordance with the rules and regulations of the Department of Natural Resources - Forest Service.

This permit is granted under authority of the Annotated Code of Maryland, 1973, under Title 5, Subtitle 406, which places the care and protection of all trees growing within the right-of-way of any public road or between the curb and property lines of any street in any incorporated town in Maryland under the Department of Natural Resources - Forest Service. This permit, in no way cancels or contravenes the right of property owners to restrict or prevent the trimming or cutting of trees upon their own properties, except that trees covered by this permit may not be treated in any way other than as herein specified.

Authorized by: James Eierdam

Title: Forester

Date: 02/08/2012

Address: 17400 Annapolis Rock Road, Woodbine, MD. 21797

LTE Performing the work: Mark Alexander Rasevic RASEVIC LANDSCAPE COMPANY



THIS PERMIT VALID FOR ONE YEAR FROM DATE OF ISSUE

Maryland Forest Service * Tawes State Office Building * 580 Taylor Avenue * Annapolis, Maryland 21401
410.260.8DNR or toll free in Maryland 877.620.8DNR * www.dnr.maryland.gov * TTY users call via Maryland Relay

Feather & Assoc.

Tolbert V. Feather, Ph.D.

*Advisors for: Landscape Development
Landscape Management, Plant Pest Management*

Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

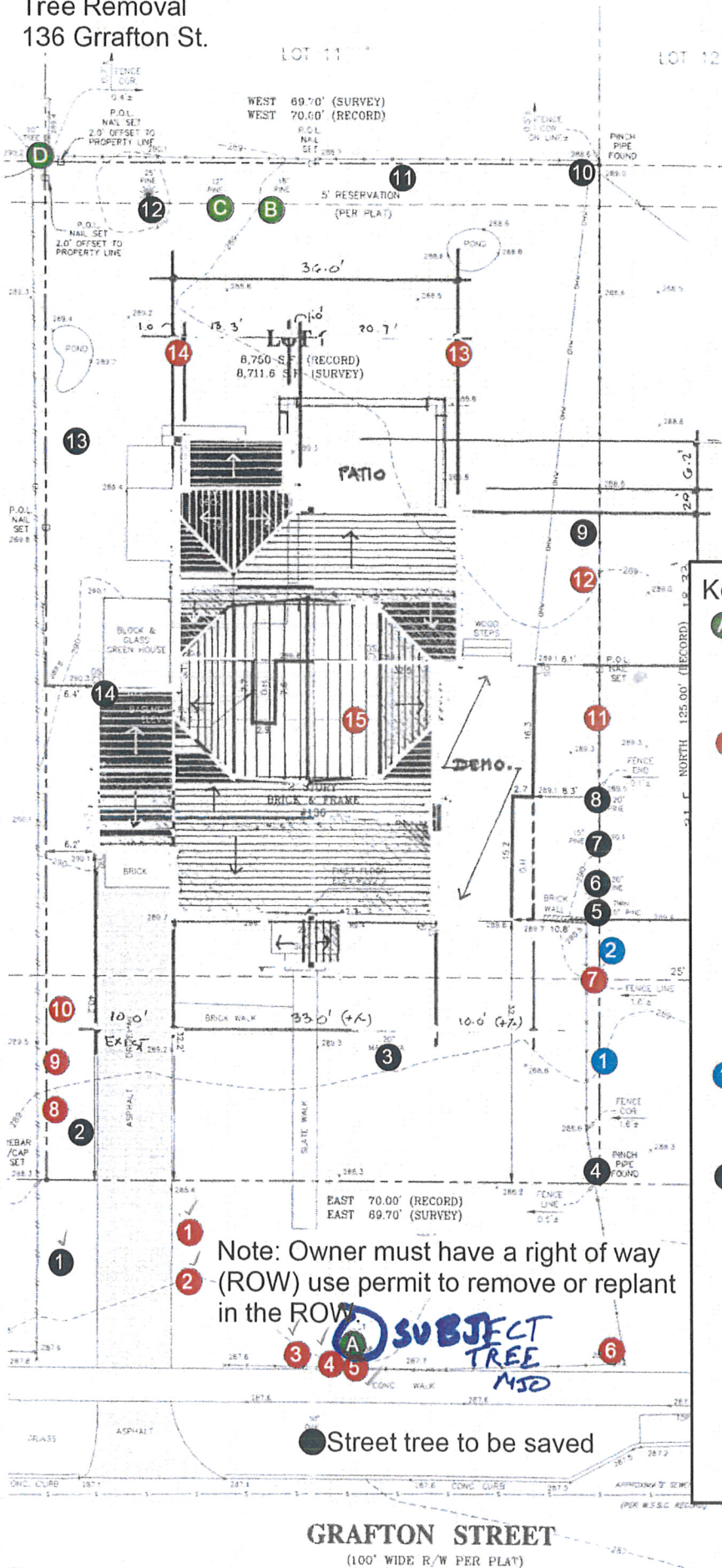
November 23, 2012

RE: Tree Removal Request 136 Grafton St.

I have inspected the site and attached is a map that indicates the trees in the following categories.

1. Trees to be saved (4 Trees)
2. Tree under 24" circumference that may be removed without and permit (15 Trees)
3. Trees rooted in the neighbor's yard that are also under 24" circumference and may be removed with the neighbor's consent (2 Trees).
4. Trees over 24" circumference that will be approve for removal with a permit (14 Trees).

The Owner should note that a permit will be required to remove or replant any trees within the right of way. The street tree in the median shall be saved.



Key and List of Trees

A Trees to be saved

Item	Tree	Size Inches dbh
A	Black Locust	20
B	Norway Spruce	18
C	Norway Spruce	12
D	American Beech	18

1 Trees under 24" circumference that may be removed without permit

Item	Tree	Size inches circumference
1	Arborvitae	< 24
2	Arborvitae	< 24
3	Juniper	< 24
4	Juniper	< 24
5	Black Cherry	< 24
6	Black Cherry	< 24
7	Dogwood	< 24
8	Elm	< 24
9	Cedar	< 24
10	Juniper	< 24
11	Dogwood	< 24
12	Dogwood	< 24
13	Cherry	< 24
14	Redbud	< 24
15	S Magnolia	< 24

1 Trees rooted on neighbor's property may be removed, if neighbor consents.

Item	Tree	Size inches circumference
1	Juniper	< 24
2	Juniper	< 24

1 Trees over 24" circumference that will be approved for removal with a permit

Item	Tree	Size Inches dbh	Comments
1	Flowering Cherry	12	80% dead
2	Crepe Myrtle	20 multi	Center dying
3	Saucer Magnolia	20	Split Trunk dying
4	Crabapple	10	80% dead
5	Hemlock	18	Poor condition
6	Hemlock	18	Poor condition
7	Hemlock	18	Poor condition
8	Hemlock	18	Poor condition
9	Dogwood	8	50% dead
10	Dogwood	10	50% dead
11	Hemlock	10	Poor condition
12	White Pine	24	Split top hazardous
13	Redbud	10	50% dead
14	Norway Spruce	12	Too Close to house hazardous

TREE TABLE

Trees to be saved

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